THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.28123 of 2005

Dated 02-01-2006

Between:

S. Bal Reddy

…Petitioner

A n d

The Regional Transport Authority,

R.R District.

…Respondent

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.28123 of 2005

ORDER:

Petitioner is the owner of vehicle bearing No.AP-28-U 9828. He obtained a permit to use it as a Maxi Cab, and the same is valid up to 31-12-2005. On 09-12-2005 the petitioner made an application to the respondent herein, to permit the vehicle to be used, exclusively for private purpose, as non-transport vehicle. The respondent made an endorsement on the same day, negativing the request of the petitioner. The reason stated therein is that recently there are instances of illicit plying of Omni Buses as Maxi Cabs.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The A.P. Motor Vehicles Act and the A.P.Motor Vehicles Rules provide for grant of permits for different kinds of vehicles. If the owner of a vehicle intends to use in a particular manner, the application has to be dealt with, with reference to the relevant provisions. The petitioner obtained permit to use his vehicle as a Maxi Cab, with effect from 01-01-2006. He intends to use it as private vehicle. The application has to be dealt with, on the basis of the relevant provisions of law. The only reason stated by the respondent is that, there are recent instances of illicit plying of Omni Buses as Maxi Cabs. This hardly constitutes any basis, and if at all anything, reflects either lack of efficiency, or lack of transperancy in the department. The respondent cannot take their own lapses, as a basis, for rejection of a request made by the petitioner, if it is otherwise in accordance with law. Further the fact that the other vehicles are being used, or misused; cannot be a factor to deny the benefit to citizens, in accordance with the relevant provisions of law.

Hence, the writ petition is disposed of, and the impugned endorsement made by the respondent is set aside. The respondent is directed to consider the application of the petitioner, strictly in accordance with the provisions of law, and communicate the decision thereon, within fifteen days from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.02-01-2006.

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